

Remarks

Claims 1, 3-5, 8-9, 16, 19, 28, and 46-49 are pending and in condition for allowance. By the proposed amendment above, claims 1, 3, 5, 8, 9, and 16 have been amended, claims 2, 6-7, 10-15, 17-18, 20-27, and 29-45 have been cancelled and claims 46-49 have been added. It should be noted that, aside from the amendments made in response to the Section 112 rejection, Applicant has only amended the claims to focus on a preferred embodiment of the invention.

The objection to the Drawing has been addressed by comments below, accompanied by the editorial amendment of Figures 12-16. Replacement sheets and annotated sheets are provided. In turn, the objection to the disclosure is rendered moot by the accompanying amendment to the Brief Description of the Drawing.

The rejection of claims 1, 2, 10-15, 19-21 and 29 under Section 112, second paragraph, is respectfully traversed. The claims, and corresponding specification, make clear the manner in which a “system” of this invention will include, at a minimum, an implant for interpositional arthroplasty. It is, in turn, the final implant, optionally in combination with other preferred parts of a system, that provides the unique combination of functional and structural features described in the specification and presently claimed. Further, claim 1 has been amended to positively recite the “implant.”

The remaining portion of the rejection under Section 112, relating to various aspects of claims 1, 3, 5, 7, 8, 9, 11, 13, 20, 21, 22, 30, 31, 26, 37, 42, and 43 have been addressed by the above editorial amendment or cancellation of those claims.

The double patenting and provisional double patenting rejection is recognized. Applicant will submit terminal disclaimers, if appropriate, after an indication of allowable subject matter.

The rejection under Section 102 based on Averill, et al. is respectfully traversed. Averill, et al. describes a total knee prosthesis, as compared to an interpositional implant. In turn, the reference fails entirely to teach or describe *any* of the various limitations presently claimed, *particularly* including the fact that it fails to provide a first surface that is itself placed in apposition to supporting bone, in the form of the natural tibia, and a second surface that is itself placed in apposition to opposing bone, in the form of the natural femoral condyles. The various surfaces of the member 16 of Averill, et al., would instead be positioned within and in apposition to the various other components and aspects of the overall prosthesis.

The rejection under Section 103 based on Averill, et al. in view of Fell is also respectfully traversed. Averill, et al. is distinguished for the reasons cited above, and for others as well. Further, for example, Fell does not disclose a tibial projection adapted to extend distally over a rim of a tibial plateau. The extension cited by the Examiner is a keel that rests against a tibial plateau, rather than extending distally over its rim.

In view of the above remarks, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all rejections is respectfully requested.

Respectfully submitted,

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"Annotated Sheet"

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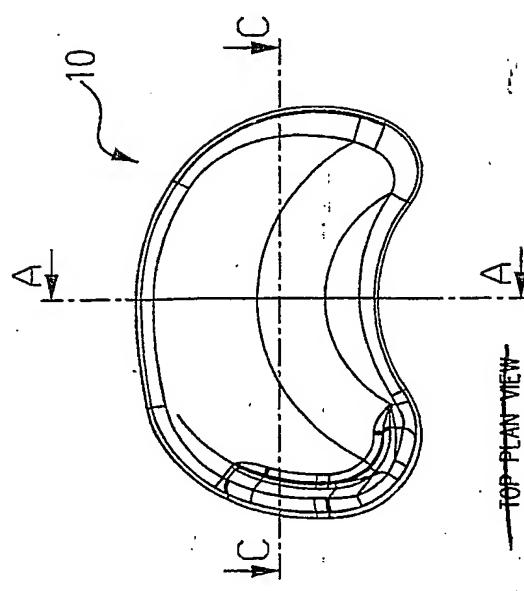


Fig. 12(a)

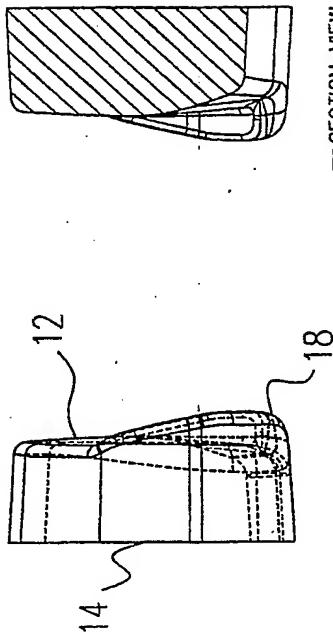


Fig. 12(c)

Fig. 12(d)

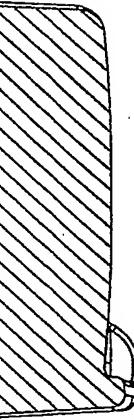


Fig. 12(e)

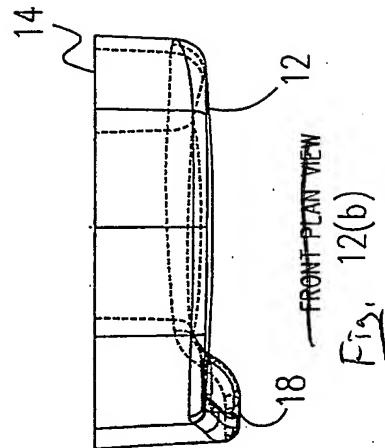


FIG. 12

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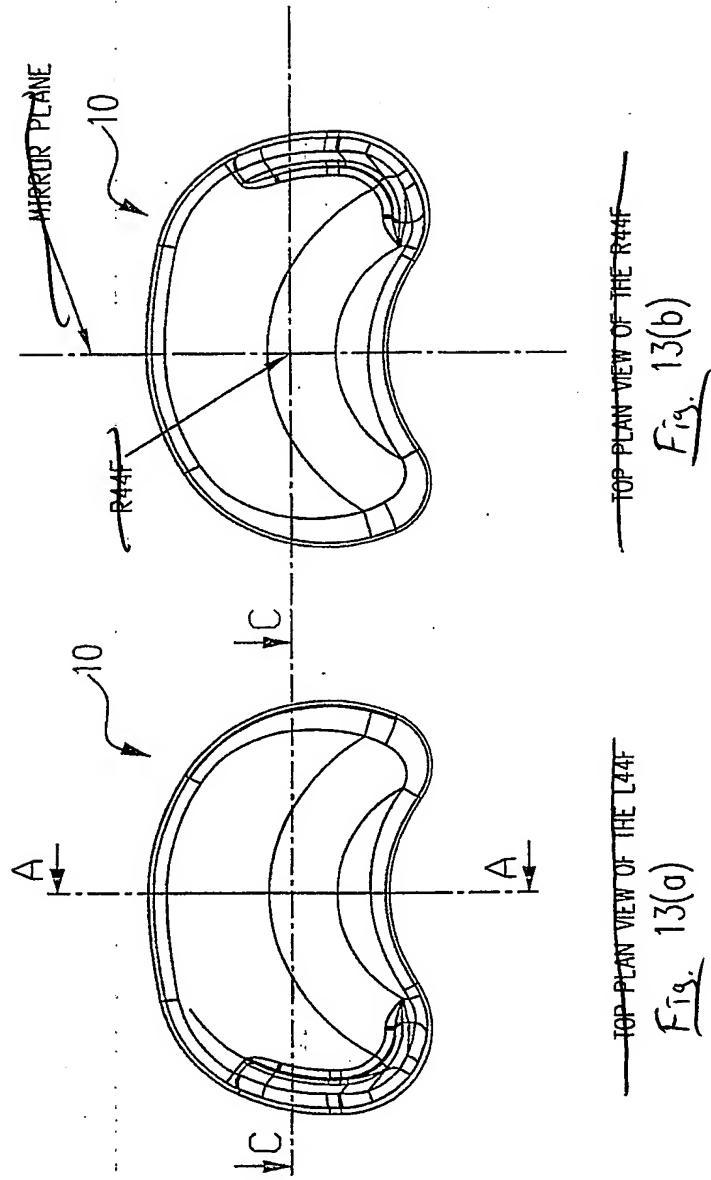


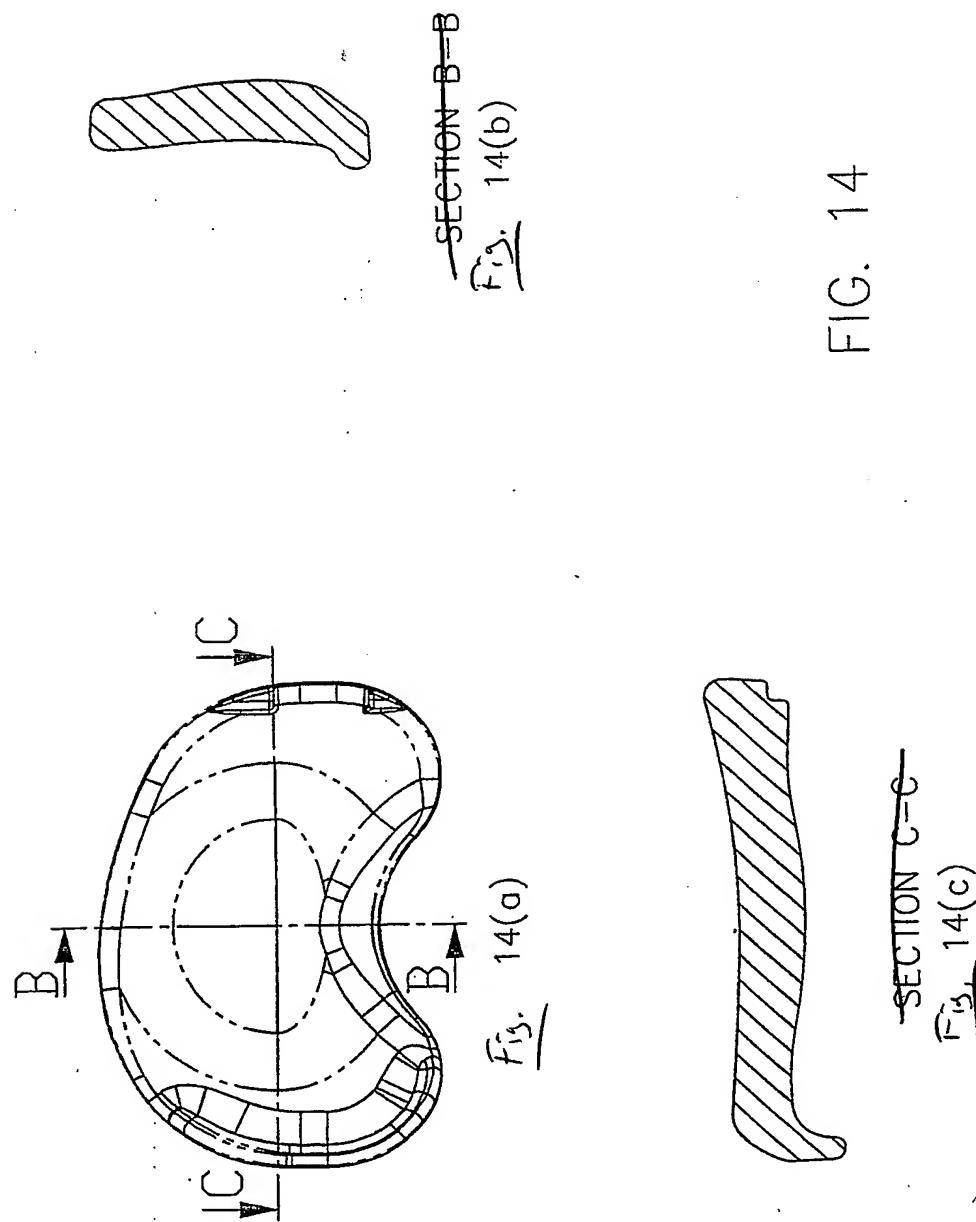
FIG. 13

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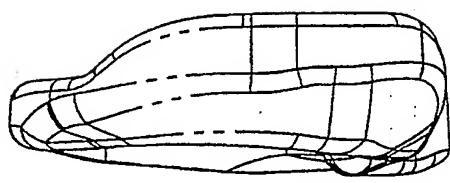


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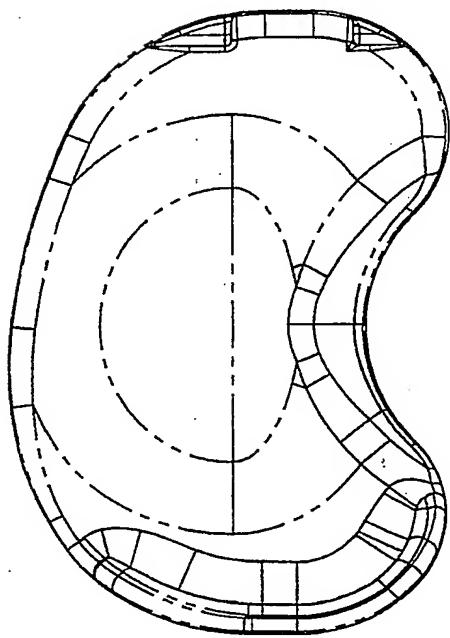
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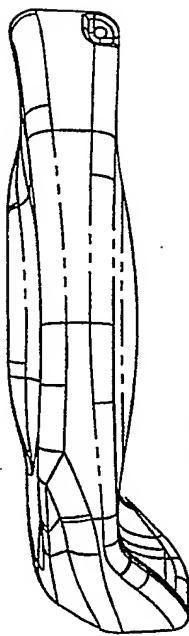
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SIDE PLAN VIEW
Fig. 15(b)



TOP PLAN VIEW
Fig. 15(a)



FRONT PLAN VIEW
Fig. 15(c)

FIG. 15

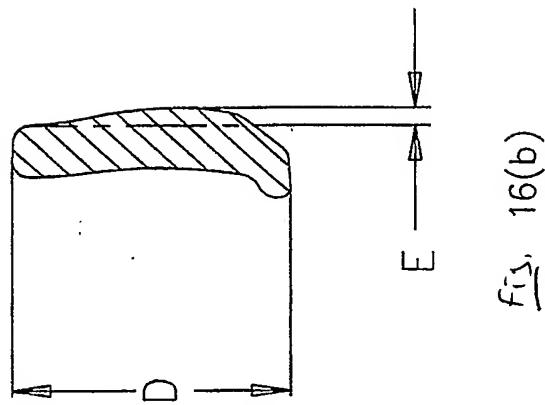


FIG. 16(b)

FIG. 16

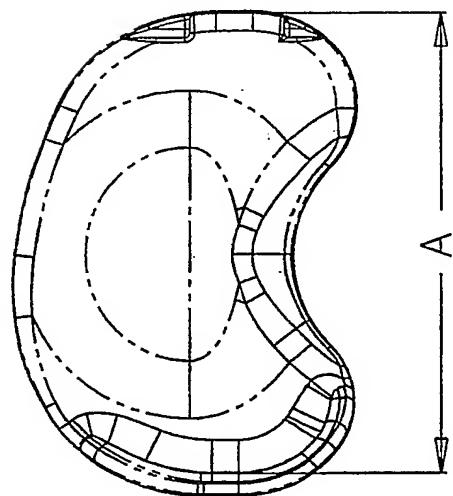


FIG. 16(a)

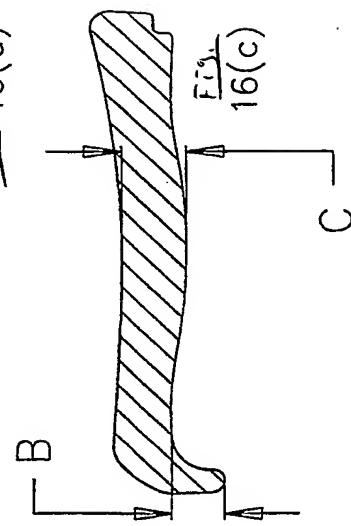


FIG. 16(c)

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B -